ACTUAL STATE LEGISLATION

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In outlining the work of state legislatures it is useful first to set forth their status in our dual system of government and to determine as nearly as possible in a general way the limits of their powers.

There are two legal limitations on the power of a state legislature: the federal constitution and the constitution of the state. These prohibit the legislature from doing certain things both directly and by implication and the latter in most states outlines the manner of procedure in doing its work, departure from which is fatal to the validity of legislative enactments. In its beginning the federal constitution accomplished a division of powers between the state and federal governments. Those powers of legislation which it was deemed should be exercised uniformly throughout the country were placed in the hands of congress and the rest were reserved to the states. Concerning the classification of these powers, Mr. Justice Swayne said:[1] "In the complex system of polity which prevails in this country the powers of government may be divided into four classes: Those which belong exclusively to the states; those which belong to the national government; those which may be exercised concurrently and independently by both; and those which may be exercised by the states but only until congress shall see fit to act upon the subject." Eliminating the powers in this classification which belong exclusively to congress, which are comparatively few, we find remaining to the states all the subjects of legislation affecting the everyday relations of men, the maintenance of law and order, nearly the whole field of civil and criminal jurisprudence, the organization and control of all grades of municipal government, the management of highways and schools, the control of public utilities and the general regulation of business in its many phases. Add to these the powers which may be exercised concurrently with congress and to these, the powers which may be exercised by the states until the

[1] *Ex parte*, McNeil, 13 Wall. (U. S.) 236.

federal government pre-empts the field and we get an idea of the vastness of the scope of state legislation.

The second limitation, the constitution of the state, is of a two-fold nature; first the prohibition or limitation of certain kinds of legislation; second, the formulation of procedure to be followed in enacting laws. Nearly every state constitution has a bill of rights which protects in general terms certain fundamental rights. These serve as checks against any arbitrary action by the legislature as well as by executive or administrative officers. Many provisions of constitutions are merely legislative enactments, superior to the action of legislatures. Again, many state constitutions permit certain things to be done but only in ways fixed by the constitution. Lastly, the distrust of legislatures has hedged their work about with the most careful provisions designed to prevent haste and jobbery. The procedure in enacting laws in most states is outlined even to minor details, and the courts, more or less rigidly, hold legislation strictly to the test that it has been enacted in conformity with the constitutional provisions.

It will be observed from these restrictions that the task to make a state law conform to the requirements of a valid and effective enactment is a difficult one. The mere framing of a law to express exact intent is difficult enough, requiring as it does the most far-sighted view of its effect on existing laws and a precision of expression which admits of no question of its meaning; but when to these are added the further requirements that every law must conform to the specific and general provisions of two constitutions, as determined through long lines of decisions, the complexity of the problem is intensified.

The Legislatures and Legislators

The second matter to be considered is the make-up of the legislative bodies and the equipment of the members and their assistants for the task.

In every state the legislature consists of two houses, the senate and house of representatives or assembly or house of delegates, as the lower chamber is called in some states. These bodies are chosen in all states directly by the people but from different-sized constituencies and differ only in that the senate is usually elected from a larger district, for a longer term, and in many states not all of the members are elected at a time, thus making it a continuous body

with a part of its members holding over from the former session. The tenure of office in a majority of states is two years for representatives and four years for senators. States having annual sessions usually elect for one year and two years respectively. There is a small proportion of re-elections. In the last two legislatures of Indiana, three-fourths of the members of the house and of the newly-elected senators were new men. This proportion of new men will be found in most of the states to be approximately the same. The qualifications of the members vary widely. In general it may be said that few great statesmen adorn the ranks in any state while the great majority are men of average intelligence and experience. Many of the members have been successful business or professional men in local communities, but with no large experience. There are very few elected in any state who have state-wide visions and are free from narrow provincialisms. Taking them by vocations, we find about the following as shown in four selected states in which biographical data are obtainable. The Indiana senate of 1911, out of fifty members, had twenty-five lawyers, five merchants or other dealers, five farmers, two editors, five physicians, and three manufacturers. The house of representatives that same year, out of one hundred members had twenty-four lawyers, twenty-five farmers, thirteen merchants and other dealers, six physicians, three artisans, five manufacturers, three teachers and the rest miscellaneous. New York in 1912 had in the senate of fifty-one members, twenty-six lawyers, four manufacturers, three merchants or dealers, three farmers, three bankers, three real estate dealers, two contractors and one engaged in shipping. The assembly of 1912 in New York with one hundred and fifty members was composed of sixty-two lawyers, forty-one business men, thirteen farmers, nine professional men (other than lawyers) and twenty-five of miscellaneous occupations. The Michigan manual shows the legislature of that state to have been made up in 1911, of forty-five farmers, thirty-five lawyers, thirty-six engaged in various kinds of business and manufacturing, three professional men and thirteen of miscellaneous occupations. In Vermont in 1910 we find in the legislature one hundred and forty-six farmers, seventy-one business men, twenty professional men, thirteen lawyers and twenty-six of miscellaneous occupations. As a rule, in most states the lawyers predominate. Next come farmers, business and professional men in the order named. The average

legislature may be said to represent pretty nearly every class of citizens having a distinct interest in legislation. This does not happen in any conscious attempt to have class representation, but rather from the exigencies of politics.

Viewing the intricate problems of legislation on the one hand and the qualifications of the representatives selected to solve them on the other, we find the key to the failure of state legislatures. Few of the representatives are legislative experts. Scarcely any, not excepting the lawyers, are able to properly frame a bill either in its technical wording or its legal setting. Their preparation for their task is exceedingly meager. "Indeed, it is perfectly amazing," said Blackstone, speaking of the English parliament, "that there should be no other state of life, no other occupation, art or science, in which some method of instruction is not looked upon as requisite, except only the science of legislation, the noblest and most difficult of any. Apprenticeships are held necessary to almost every art, commercial or mechanical; a long course of reading and study must form the divine, the physician and the practical professor of the laws; but every man of superior fortune thinks himself born a legislator. . . . The mischiefs that have arisen to the public from inconsiderate alterations in our laws are too obvious to be called in question, and how far they have been owing to the defective education of our senators, is a point well worthy the public attention."

The lack of qualification for careful work, which is as true to-day as when Blackstone wrote, would be largely offset if the legislators were willing to supply their deficiencies by the employment of legislative experts. This, however, they have failed to do except in a few states and to a limited extent. Such experts would be the servants of the legislators to do their will in a legal way. They would perform none of the legitimate legislative functions. They would be merely to the legislature what the counsel or the engineer is to the corporation manager. They would perform the detail work, leaving the legislator free to do the larger work of formulating and determining general policies.

The Source of Legislation

All laws are enacted by bills prepared in proper form, presented to the legislature, passed according to prescribed rules laid down by the constitution and the legislative bodies and at last, in the enrolled

form, signed by the governor and thereby ushered into the statute book.

Bills are the outgrowth of ideas. "We need a law on this subject," is a common expression, and forthwith the legislator proceeds to introduce one, either on his own volition or at the instance of another.

Bills come to the legislature from many sources. First: The legislator himself is anxious to make a record. He has perhaps been elected as an advocate of certain measures and is compelled to attempt to "make good." Many people judge his career by the number and titles of bills bearing his name, and many legislators cast about for ideas to formulate into legislative bills. There is a scramble, too, to be the author of bills on important subjects, the party platform measures or some popular enactments, in the hope that their bill will be the one reported and passed into law. Each state has often perpetuated otherwise obscure names through association with certain popular laws. Second: Constituents of the members demand certain things for themselves or for the public good, and their bills must be presented for the sake of courtesy. These constitute a large part of the bills introduced. Some are prepared and handed to the legislator, others are merely suggested to him and he is expected to frame and introduce them and secure their passage. Third: Another source of bills is from organizations of a public nature, which seek the reform of the law in some field. Reform associations, charitable and philanthropic societies, bar associations, medical societies, and others frequently seek new laws or modifications of old ones, not to say anything of scores of temporary organizations formed to secure certain measures. Fourth: An important source of bills is from private interests, corporations and individuals seeking privileges or the ratification of privileges already obtained, or seeking legitimately to obtain advantages of organizations, power and opportunity. Frequently these are "gum shoe" measures which mysteriously advance from the committees and on the calendar without anyone knowing their real purpose or their real sponsors. Fifth: From the standpoint of efficient legislation there is no more hopeful sign than the increased activity of the administrative officers in formulating the laws needed for their departments. While this method has been in use for many years, its practical application has been more striking since the creation of the newer boards and com-

missions effecting the control of business. The Indiana Railroad Commission in 1911, for example, proposed and secured the passage of more than a score of laws on matters affecting the railroads where their experience had shown the laws to be weak. President Taft has followed this method during his term and each department has framed needed legislation and the bills have been known as administration bills. Commissioners of insurance, banking, factory inspection, public utilities, boards of charities, health and prisons, are giving more attention to law making, and out of their first hand experience are formulating effective measures. Sixth: The last source of bills to be here considered is that of special commissions or committees appointed under authority of the legislature to conduct investigations into specific subjects and report their conclusions with drafts of bills. These commissions usually work through the interim between sessions with the aid of expert assistants gathering data upon which to determine the need and the method of new legislation. They hear witnesses, observe conditions, weigh the situation and report their conclusions in definite form to the legislature. When well done, the work of these commissions establishes the basis of laws which should be fundamentally sound. The use of this method is increasing and the list of subjects each year gives a good insight into the trend of legislation. In some states the reports are ignored but not so in the majority of states and less so for each succeeding year. Even where the results are ignored in the home state the work of such commissions is certain to have an effect elsewhere.

Procedure

It would be an endless task to point out in detail the procedure in passing a bill through the legislature. The details vary widely in the states, but there are some essential parts upon which the whole process hinges which are found alike in nearly all of the states.

In all states the committee system prevails and every bill except emergency measures and those considered under suspension of the rules, is referred to a committee. Usually this committee is the one having the general subject of the bill in charge, but bills may be referred to other committees having no connection with the subject. Sometimes this is done at the request of the introducer who seeks a favorable committee and sometimes by the speaker who seeks to give it either a favorable or unfavorable committee according to his

prejudices or the demands of the party or controlling machine. In some states the power of reference is absolute in the speaker; in others one or more members must be heard in a demand for reference to a certain committee. In others the rules require that it be submitted to the committee dealing with the general subject.

Once in the hands of the committee the bill may, in most states, be arbitrarily held or reported according to the committee's wishes. A few states require all bills to be reported back to the main body either favorably or unfavorably. It always is in the power of the house to demand that a bill be reported to it, but in practice where they are not required to be reported they are held by the committee at pleasure. In fact the chairman may be an autocrat in refusing to call his committee together or submit the bill to them. It is a not infrequent case in many states to have bills held and defeated by the will of the chairman alone. He oftentimes is appointed to the chairmanship for that specific purpose. Or again in the slipshod methods prevailing in most legislative bodies, the chairman may purposely lose the copy of the bill which is the only official copy and thus delay it until a new one is introduced, when the process may be repeated. Such occurrences are common, especially in those states which do not print their bills on introduction—an indefensible condition which still prevails in a few states.

The procedure of a committee in considering a bill is properly a judicial function. The committee sits in judgment on the bill in the light of the arguments presented. After hearing the evidence and weighing its significance the committee is supposed to decide on its merits. As a matter of practice, however, hearings on the more important bills assume the nature of a partisan trial, with the majority members of the committee playing the rôle of prosecutor, judge and jury.

On questions of no immediate concern politically, to the majority, the committee is not always able to act judicially because the proceeding is so often almost *ex parte*, with one side having a preponderance of legal talent to sway the committee. The writer recalls an instance where the representatives of a special interest appeared before a committee composed almost entirely of farmers, and against the lone voice of a farmer representative who was advocating a certain bill, declared, one after another, that it was unconstitutional and proved it to the committee, although the iden-

tical law had once been on the statute books of the state and had been upheld in every particular by the supreme court of the state and of the United States. The people are not heard by a public defender except as some individual may interest himself for the public, and the judicial argument goes to the other side by default.

Another weakness from the public point of view is the lack of regulated procedure by the committees. Notice is not given to all interested parties; hearings are of the "snap" variety, no one but professional lobbyists knowing the time and place in advance; the proceedings are not generally reported and the public knows only meagerly who appeared and what they said; the votes of the members are not recorded and there is no public knowledge of how they vote except as they file dissenting opinions or openly express their views.

To offset these latter evils seems simple. Wisconsin has done it as described by a recent writer.[2]

"In order that all parties interested in legislation may be heard, the hearings of the committee are by rule scheduled in advance and a weekly cumulative bulletin is issued showing the exact status of each bill and its history up to the time of publication. This system of notification is not yet perfect, but at least the business man or citizen interested in certain legislation receives some warnings of hearings upon it. There is no secrecy in connection with these committees. They are compelled to report out each bill with a recommendation together with a record of the ayes and noes of each committee hearing. Committees are all powerful in an American legislature. The roll call on a bill before the house does not always tell the story of its oppositions or amendment in committee."

This rule, the first of its kind, will inevitably make committee procedure more orderly and the committee members more responsible. It insures greater care in examination of bills inside and outside the committee. Most states long ago placed the responsibility squarely on the shoulders of the legislator when he votes on the final passage of a bill. This rule puts it squarely on him when the more important process of committee work is on.

The Power of the Presiding Officer

The lieutenant governor is by the constitutions of nearly all of the states the presiding officer in the senate. In some states he

[2] McCarthy, *The Wisconsin Idea*, p. 199.

appoints the committees, but since he is sometimes of a different party from the majority of the senate, he is often robbed of this power.

The speaker of the house is elected by the members, which results under the party system in a mere ratification of the caucus choice of the party in power. He appoints all committees and designates the chairmen. The power of the speaker and, in some cases, of the president of the senate, aside from his personal influence which is usually great, consists in his right to appoint the committees, and refer bills and in his potential power in parliamentary procedure. The president of the senate not being a member of the body, and in many cases not even a party leader, is far less powerful than the speaker.

The first great struggle in a legislature is over the selection of committees. All forces seeking to pass or prevent legislation, center their efforts on getting committees favorable to their wishes. Sinister interests seek secretly to fix certain committees so as to be prepared for emergencies. Individual members are out after preferment for personal reasons, and sometimes the price paid by the successful candidates for speaker is his promise to appoint close rivals to important committee chairmanships. Men often become candidates for speaker in order to be in a vantage position to trade their influence for a committee chairmanship. In states like New York and others which have a committee on rules, or a "steering committee," the speaker's power is much larger because these committees which are close to the speaker have complete control during the rush of the closing days of the session and nothing can get through without their approval to bring it up. Since the larger part of legislation is done in the closing days these committees have greater influence than their short life would indicate. The speaker can, if he wishes, hand down only such measures as he desires, and there is no power short of parliamentary revolution to compel any bill to be handed down.

The speaker's authority on the reference of bills gives him another instrument of power, not so absolute, however, as his power over the disposition of bills when they are reported back by the committee. In the reference of bills he must be guided somewhat by the wishes of the members, although theoretically he could arbitrarily send a bill to a certain committee over protests. In

practice for the mass of legislation he refers a bill to the committee having to do with its subject matter.

But when a bill is reported back from the committee he may hand it down at once or hold it indefinitely. He may hand it down when his opponents are not looking for it and when his friends are alert. He may simply "pigeonhole" it and there is no power to compel him to produce it. Public opinion would of course rule him somewhat but public opinion as now organized does not play a part on more than the merest fraction of the bills.

The last power mentioned is in the speaker's parliamentary control. He may recognize whomsoever he pleases to make a motion or a speech. He may have an acute sense of hearing for all motions favorable to his purpose and be entirely deaf to others. He may declare motions carried or defeated and arbitrarily refuse to entertain protests. In the hands of a forceful man bent on certain ends, the speakership is a source of tremendous power.

It does not happen in many states, however, that this power is used to anywhere near its possibilities. The terms of service in state legislatures are so brief that no man becomes sufficiently powerful to be able to dominate a legislature. There are few men of dominating personalities, or great organizing power in the assemblies and the individual power which comes by long service, as in the United States house of representatives, is only rarely found in state legislatures. In some states, notably New York and Illinois, the speaker's powers are arbitrarily used and the speaker is comparatively more powerful under present rules than the speaker of the United States house of representatives. Not infrequently there are crude evidences of attempts at arbitrary power in different states, but as a general rule the speaker is either a tool in the hands of the party boss or organization or he is not strong enough or willing to make the power felt which he potentially possesses.

Attempted Safeguards Against Hasty and Corrupt Legislation

The first constitutions left the legislatures untrammeled in their methods of conducting business. But it was soon evident that the process unrestrained was susceptible to clever frauds and damaging errors. As a result the pendulum swung to the far extreme in the attempt to throw safeguards around the process of law making, thereby hobbling the legislatures at every turn. Some of these

"hobbles" have proven effective but most are mere admonitions to an unheeding body; some work to the advantage of good law making and others have at times brought a contrary result.

Limitations of Sessions.—All but six states[3] limit the sessions to a biennial or a quadrennial period.[4] All but sixteen states place a limit on the length of sessions. This limit varies from forty days in Wyoming to ninety days in Maryland and Minnesota. In many states this period has remained fixed for years. This very fact announces the absurdity of the present limitations. If sixty days were not too many for a state in 1850 what can we say of the number needed in 1912? The business of legislatures has grown enormously in the last few decades. A glance at the session laws reveals everywhere the enormous increase of the number of laws passed, while the increase in the number of bills considered is even a more striking illustration of the growth of legislation. The limitation of the session to a biennial period with power in the governor to call a special session is, the writer believes, desirable. There is good evidence to show that special sessions are most prolific of good legislation especially in those states where the governor may designate the matters to be considered. With the special session to meet emergencies there seems to be no good reason for a regular session more than once in two years.

Local and Special Acts.—Restrictions have been placed on all but a small number of states against special and local acts and acts of a private nature. Such acts had become a source of corruption, and embarrassed the legislature with a mass of detail work for which they were not fitted. They were a source of logrolling and jobbery, because each member had a direct personal interest in them for his locality or for his constituents. Not all such acts are prohibited, and in many states such bills are required merely to take a different course. Thus nine states[5] require a notice of intent to introduce such a bill to be posted in the locality affected a certain time prior to introduction. An unforeseen result of the prohibition of local and special acts is the passage of such acts under general titles which effectually conceal their real intent. Fortunately the courts do not look with favor upon this kind of legislation unless the classifications

[3] New York, Massachusetts, Rhode Island, New Jersey, South Carolina, Georgia.

[4] Mississippi and Alabama have a session once in four years.

[5] Arkansas, Georgia, Louisiana, Missouri, North Carolina, Oklahoma, Pennsylvania, Texas and Florida.

upon which they are based are reasonable and based upon substantial differences. It has, nevertheless, promoted much vicious legislation and introduced great uncertainty and ambiguity into the statutes.

Reading of Bills.—Most states require the reading of bills at length three times or on three separate days. This is supposed to insure consideration, and it does have the effect of holding a bill for at least three days. In spite of the rule, however, bills are scarcely ever read at length, and the reading that is had is scarcely ever attended to by the members. A show of reading is made and it is entered on the journal that the bill was read a first, second or third time. The journals are accepted by the courts as the proof in such cases. Some states wisely provide that all bills must be presented in their final form and be in the hands of the members before they vote. Others require that the bills be printed in their enrolled form before they are signed by the governor. This is a wise safeguard to prevent the errors which are sometimes corruptly, sometimes inadvertently, placed in the final form. Every state has its examples of laws rendered useless or vicious by the change of single words in the enrolled bills. Many of these are a result of the system of enrolling bills. When states abolish the indefensible practice of having bills written out at length in handwriting and adopt the modern use of the typewriter and the printing press many of the worst evils of legislation will vanish.

Titles of Bills.—Among the more important requirements in state constitutions is the requirement that a bill shall have but one subject and that shall be expressed in the title. No question is raised so often in court as this one: Does the law have more than one subject and is that expressed in the title? Whenever no other ground of attack appears this one is always trumped up. The purpose of the provision was twofold: "The passage of an act under a false and delusive title which did not indicate the subject matter contained in the act; a trick by which the members of the legislature had been deceived into the support of measures in ignorance of their true character. Secondly, the combining together in one act of two or more subjects having no relation to each other, a method by which members in order to secure such legislation as they wished were often constrained to support and pass other measures obnoxious to them and having no intrinsic merit." This salutary rule has successfully prevented in the states one of the worst evils which has beset congress,

namely, the attachment of riders to necessary measures. The rule has its dark side, however, in the scores of laws which have fallen for no other reason than a technical defect in title, affecting in no way the merits of the law. Through fear of not getting the subject into the title legislators have gone to the ridiculous extreme of practically making the title a table of contents of the bill and then, like the pagan who set up an altar to the unknown gods, they add, "And all matters properly connected therewith," or sometimes they add, "And for other purposes" thus exposing the plurality of the subject.

Limitations on Introduction of Bills.—Another limitation is attempted in several states requiring that no bills be introduced after a certain period or, as in Tennessee, that the session be divided into two parts with a recess between the first part for introduction and discussion of bills and the second part for their final consideration and passage. On its face this looks plausible and effective but in practice it does not furnish the expected advantages. Its efficiency is destroyed by the power of amending bills which must always exist close up to the time of passage. There is no practicable way of preventing the amending process from making a complete revision of the bill. Thus the safeguard is gone. It is not practicable to prevent the introduction of dummy bills to be afterwards used to build upon. When the limit for introduction is reached, members, thinking they may have use for some kind of a bill later, introduce any sort of a bill at hand. The process is described by Judge Cooley: "A member who thinks he may have occasion for the introduction of a new bill after the constitutional limit has expired, takes care to introduce sham bills in due season which he can use as stocks to graft upon and which he uses irrespective of their character or contents. The sham bill is perhaps a bill to incorporate the city of Siam. One of the member's constituents applies to him for legislative permission to build a dam across the White Cat river. The bill to incorporate the city of Siam has all after the enacting clause stricken out and it is made to provide as its sole object that John Doe can construct a dam across White Cat river. With this title and in this form it is passed; but the house then considerately amends the title to conform with the purpose of the bill, and the law is passed and the constitution at the same time saved."

Governor's Veto.—The last check upon the legislature to be mentioned, and the one most effective if used, is the governor's veto. Originally designed as a protective power to the executive to prevent the usurpation of his functions by an unfriendly legislature, this power has been extended by usage and direct enactment to make the governor a part of the legislative machinery. The governor of every state except North Carolina has the veto power. In no case is this power absolute, however, for the measure may be passed over the veto by a vote ranging from a bare majority of members present of each house in Connecticut to two-thirds of the elected members in each house, in fourteen states. In thirty-one states the governor may veto items in appropriation bills and in several he may veto bills in part. The use of the veto power varies from extreme timidity on the part of the governors to extreme boldness. In some states the power is scarcely exercised; in others the governor sifts carefully every bit of legislation presented to him and vetoes on grounds of constitutionality, policy, technicalities, defects and lastly to keep appropriations within the income of the state. Governor McGovern of Wisconsin, at the session of 1911, called in the revisor of the statutes and other skilled lawyers and had every bill examined with reference to its form, its place in existing statutes and its effect on existing law, before he signed it. Defective bills were returned for correction. In Illinois for a number of years Governor Deneen has submitted every bill to the attorney-general to be examined as to its constitutionality. The governors of Pennsylvania, New York, Massachusetts, New Jersey and North Dakota have exercised the veto power freely. In New York the governor is compelled to weed out a large mass of undigested, defective bills thrown on his desk after adjournment, and the same is true in a measure of other states. While resulting in great good in preventing defective legislation the veto power has lessened the responsibility of the legislature. They put the measures up to the governor and shift the responsibility to him just as in many cases they have shifted the final determination to the people.

Conclusions

The foregoing discussion of the powers of legislatures, the personnel of the bodies, the limitations under which legislation is enacted and methods which have been devised as safeguards, would be inadequately done if it did not point a way out.

No one can investigate the state legislative machinery and its product without agreeing with the statement of Mill concerning lawmaking in England that "the utter unfitness of our legislative machinery for its purpose is making itself practically felt every year more and more," and again, when he said, "the incongruity of such a mode of legislating would strike all minds were it not that our laws are already as to form and construction such a chaos that the confusion and contradictions seem incapable of being made greater by any addition to the mass." Mill might have been writing in the twentieth century and of our own states so truly do his words fit the conditions now existing.

That there is a way out, the example of Great Britain proves. Mill's strictures would not now apply there. Parliament is performing well the proper function of legislation which is to control government and not administer it. The same might be said, in a measure, of Canada and the Canadian provinces.

Lawmaking must continue to be an increasingly difficult process requiring special genius in the preparation of the laws and wise discretion in enacting them. The limitations placed by the constitutions render this far more necessary in this country than elsewhere. To the difficulties of framing laws which are always great, are added the even greater difficulties of making them conform to constitutional limitations, methods and forms. The state legislatures are totally unfit as now organized to properly do this complicated work.

And yet they have the potential power to do it well if they assume only the proper functions of a representative body. To bring this about requires a recasting of the constitutional limitations and the methods of procedure.

1. The limitations on the length of sessions should be abolished or at least the time greatly extended.

2. The prohibitions against local and special acts except private acts should be abolished and in their stead a special procedure should be instituted by which notice should be given of such bills in advance; their purpose fully set out and the expense borne by the locality or special interest involved.

3. Requirements regarding titles should be less rigid and courts forbidden to declare laws unconstitutional because of defective titles unless it is evident that the title is misleading and calculated to conceal the purpose of the act.

4. Committee proceedings should be recorded. Every man should be placed on record. Committee meetings should be advertised in advance, and due notice sent to every person desiring it. Every bill should be printed and copies sent to any person desiring them on payment of a nominal fee. Every bill should be reported out of committee favorably or unfavorably a reasonable time before adjournment.

5. There should be a commission or a committee on revision having the best legal talent in their employ to which every bill should be referred before it is placed on the calendar in either house, in order that it may be properly framed. Every bill should again be referred to the commission when it is enrolled and ready for the signature of the speaker and president of the senate, and opportunity given for the correction of technical defects.

6. There should be a permanent commissioner to revise the laws. His whole work should be to bring the laws into a consistent code, to remove ambiguities and defects and when they are removed, to keep them consistent by having all bills affecting the revised parts, submitted to the commissioner, before being placed on the calendar. When started this should be merged with the committee on revision described above.

7. Legislative reference departments or research bureaus should be created and the widest possible investigations should be made on proposed legislation in advance of any action thereon.